

Date: 17 February 2014
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Our Reference: DV



To: [All elected Members of the Council](#)
Honorary Aldermen
Chief Executive
Deputy Chief Executives

East Devon District Council
Knowle
Sidmouth
Devon
EX10 8HL

Dear Sir/Madam

DX 48705 Sidmouth

**Meeting of the Council of the District of East Devon on
Wednesday 26 February 2014 at 6.30 pm**

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You are called upon to attend the above meeting to be held in the Council Chamber, Knowle, Sidmouth. It is proposed that the matters set out on the agenda below will be considered at the meeting and resolution or resolutions passed as the Council considers expedient.

Members of the public are welcome to attend the meeting which will start at 6.30 pm.

- **A period of 15 minutes has been provided at the beginning of the meeting to allow members of the public to raise questions.**
- **All individual contributions will be limited to 3 minutes – where there is an interest group of objectors or supporters, a spokesperson should be appointed to speak on behalf of group.**
- **The public is advised that the Chairman has the right and discretion to control questions to avoid disruption, repetition - to make best use of the meeting time.**

Should anyone have any special needs or require any reasonable adjustments to assist them in making individual contributions, please contact Diana Vernon. Contact details are at the top of this page.)

A hearing loop system will be in operation in the Council Chamber.

Written Questions by Members: Please note that under Procedure Rule 9.2, Councillors may submit written questions to Council Leader or specific Portfolio Holders.

Councillors and members of the public are reminded to turn mobile phones to silent during the meeting. If this is not practical due to particular circumstances, please advise the Chairman in advance of the meeting.

Yours faithfully

A handwritten signature in black ink, appearing to read "Mark Williams".

Chief Executive

Prior to the formal start of the meeting, the Chairman will invite Revd Jeremy White, former vicar of Uplyme, to say a prayer.

This meeting is being recorded for subsequent publication on the Council's website. Audio recording is permitted by press representatives and members of the public from the public area, subject to their notification to the Chairman prior to the start of the meeting of a wish to record all or part of that meeting. If you are exercising your right to speak during Public Question Time, but do not wish to be recorded, please inform the Chairman who will instruct those taking a recording to cease while you speak.

AGENDA

- 1 Public question time – standard agenda item (15 minutes)

Members of the public are invited to put questions to the Council through the Chairman. (The process is set out on the front of the agenda).

Councillors also have the opportunity to ask questions of the Leader and/or Portfolio Holders during this time slot whilst giving priority at this part of the agenda to members of the public.

- 2 To confirm as a true record the minutes of the meeting of the Council held on 4 December 2013.
- 3 Apologies.
- 4 To receive any declarations of interest relating to items on the agenda.
- 5 To consider any items, which, in the opinion of the Chairman, should be dealt with as matters of urgency because of special circumstances.
(Note: Such circumstances need to be identified in the minutes).
- 6 To receive any announcements from the Chairman and Leader.
- 7 To agree any items to be dealt with after the public (including the press) have been excluded. There are no items which Officers recommend should be dealt with in this way.
- 8 **Revenue Estimates, Capital Programme and Council Tax 2014/15**
 - To consider the *report of the Council's Section 151 Officer, Head of Finance, and the recommendations contained therein which include approval of the recommendations of the Cabinet on 5 February 2014 relating to the Council's Revenue and Capital Estimates for 2014/15 and precept details of the parish and town councils, Devon County Council, Devon and Cornwall Police Authority and the Devon and Somerset Fire and Rescue Authority.
 - To approve the calculations for setting the Council Tax in accordance with the Local Government Finance Act 1992 as amended by the Localism Act 2011. These calculations form the basis of the formal setting of the Council Tax for the District.

***The report will be circulated when the major preceptors have confirmed their precepts – the latest of these is on 24 February when the Devon and Somerset Fire and Rescue Authority meets.**

Note a recorded vote will be taken of the vote on this item.

A Statutory Instrument passed on 31 January 2014 (coming into force on 25 February), requires councils (in this instance county councils, district councils and London boroughs) to amend their Standing Orders so that how Members have voted in budget setting meetings must be formally recorded in the minutes of the meeting (in essence the same principle as what would happen for a recorded vote). The budget

decision will therefore be a recorded vote. Here is a direct link to the relevant SI - <http://www.legislation.gov.uk/ukxi/2014/165/contents/made>

To update the Council's Standing Orders the following resolution is recommended:
"That the Council's Rules of Procedure be updated as soon as reasonably practicable in line with The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014."

9 To answer questions asked by Members of the Council pursuant to Procedure Rules No 9.2 and 9.5.

10 **Motion 1 – Lobbying**

"Openness and transparency in the planning process is vital. This Council therefore agrees to include an item on the agenda of all Development Management Committee and Planning Inspections Committee meetings, requiring Members of those committees to declare if and who they have been lobbied by, about items on the agenda."

Proposed by Claire Wright, seconded by Roger Giles and supported by Susie Bond, Ben Ingham and Trevor Cope

11 **Motion 2 – Legal Highs**

"This Council supports the drive to prevent the sale of Novel Psychoactive substances (NPS) (otherwise known as 'legal highs')."

There is a groundswell of concern about the harm caused by NPS and a national call for legislation to allow local councils to enforce the banning of these products. This move is prompted by 28 deaths suspected to be associated with the use of NPS in the UK, concern about mental and physical side effects, and the obvious risks attached to taking any substance which has not been tested nor regulated.

Proposed by Ray Bloxham, seconded by Tom Wright and supported by Steve Hall, Mike Howe and Stephanie Jones

12 **Motion 3 – Affordable Housing**

Last year's autumn statement announced the Government's intention to consult on a new 10 house threshold before an affordable housing provision is required.

2.208 Section 106 contributions – The Government will consult on a new 10 unit threshold for section 106 affordable housing contributions to reduce costs for smaller builders. If these intentions are pursued and a policy is introduced to impose a 10 house threshold on developments before affordable housing is required it will devastate the affordable housing aspirations of the majority of rural communities. It will also contradict both the current and emerging local plan policy. Development of affordable housing in small communities is essential, not just for the growth of communities but in some cases their continued existence.

For these reasons we believe it essential that this Council makes the strongest representations to Government requesting the cancelling of any plans to consult on or introduce any policy that would result in the reduction in affordable housing provision. This Council believes that rather than consider policies that could reduce affordable housing provision the Government should introduce more schemes to actively support communities in developing community led housing schemes.

Proposed by Councillor Jill Elson, seconded by Stephanie Jones and supported by Geoff Pook, Martin Gammell and Phil Twiss

13 **Motion 4 – Office relocation**

"This Council notes the concerns expressed by some Councillors of the Overview and Scrutiny Committee at its meeting on 30 January 2014 about the Knowle relocation project, and their particular concerns about the increasing cost of the project, and the lack of detail provided to justify the inclusion of a further sum of £200,000 in the capital budget for the 2014/15 financial year, and the inclusion of a further sum of £200,000 in the capital budget for 2015/16.

The Council also notes the recommendation of the Overview and Scrutiny Committee on 30 January that a professional independent survey of the Council offices be allowed to be undertaken by someone not employed by the Council. The cost of the survey was not to be met by the Council.

The Council regrets the decision taken by the Cabinet on 5 February to press ahead with the project and to seek approval for relocation of the EDDC offices to Skypark. This Council agrees to defer a decision on support for the principle of a relocation option until such time as a professional independent survey (the cost of which is not to be met by the Council) is undertaken by someone not employed by the Council".

Proposed by Claire Wright, seconded by Ben Ingham and supported by Susie Bond, Trevor Cope and Roger Giles

- 14 To consider reports from the Cabinet and the Council's Committees and to receive questions and answers on any of those reports:-

Cabinet	Minutes	139-158, 159-182
†Overview and Scrutiny Committee	Minutes	39-47, 48-51
†Housing Review Board	Minutes	49-60
Development Management Committee*	Minutes	39-42, 43-46, 47-53, 54-59
Planning Inspections	Minutes	14-16, 17-19
Audit and Governance Committee	Minutes	30-39
Standards Committee	Minutes	28-36
Licensing and Enforcement Sub Committee	Minutes	30-34, 35-36, 37-39

†The recommendations of the meetings of Overview and Scrutiny Committee and Housing Review Board have already been referred to Cabinet for consideration.

Issues to note/action from the minutes include:

- 1. Extension to St Winifred's graveyard, Branscombe – authority to use compulsory purchase
Cabinet minute 150 – 8 January 2014**

A summary and map showing the proposed land swap detail has been forwarded to Councillors.

2. Office accommodation – next steps Cabinet minute 180 – 5 February 2014

- a) The further project management costs referred to a recommendation 3(f) are for professional service costs until the end of July 2014. Another report will be referred to Cabinet in due course in respect of project management costs beyond July 2014.
- b) Members are reminded that this report was considered in Part B of the Cabinet agenda when members of the public and press had been excluded from the meeting (Paragraph 3 Schedule 12A of the Local Government Act 1972 and because the report included sensitive financial information). Should Members wish to discuss exempt information relevant to this item, they have the option to move the debate into Part B of this meeting. A briefing note with Part A content had been circulated to Members to assist with their considerations.

3. Public speaking and future agenda management Development Management – Special meeting on 17 December 2013 – Minute 46

The Committee recommended that a working group be established to further consider public speaking arrangements and future agenda and meeting management for Development Management Committee meetings.

Decision making and equality duties

The Council will give due regard under the Equality Act 2010 to the equality impact of its decisions. An appropriate level of analysis of equality issues, assessment of equalities impact and any mitigation and/or monitoring of impact will be addressed in committee reports. Consultation on major policy changes will take place in line with any legal requirements and with what is appropriate and fair for the decisions being taken. Members will be expected to give reasons for decisions which demonstrate they have addressed equality issues.

Members and co-opted members remember!

- You must declare the nature of any disclosable pecuniary interests. [Under the Localism Act 2011, this means the interests of your spouse, or civil partner, a person with whom you are living with as husband and wife or a person with whom you are living as if you are civil partners]. You must also disclose any personal interest.
- You must disclose your interest in an item whenever it becomes apparent that you have an interest in the business being considered.
Make sure you say what your interest is as this has to be included in the minutes. [For example, 'I have a disclosable pecuniary interest because this planning application is made by my husband's employer'.]
- If your interest is a disclosable pecuniary interest you cannot participate in the discussion, cannot vote and must leave the room unless you have obtained a dispensation from the Council's Monitoring Officer or Standards Committee.

Getting to the Meeting – for the benefit of visitors



The entrance to the Council Offices is located on Station Road, Sidmouth. **Parking** is limited during normal working hours but normally easily available for evening meetings.

The following **bus service** stops outside the Council Offices on Station Road: **From Exmouth, Budleigh, Otterton and Newton Poppleford – 157**

The following buses all terminate at the Triangle in Sidmouth. From the Triangle, walk up Station Road until you reach the Council Offices (approximately ½ mile).

From Exeter – 52A, 52B

From Honiton – 52B

From Seaton – 52A

From Ottery St Mary – 379, 387

Please check your local timetable for times.

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The Committee Suite has a separate entrance to the main building, located at the end of the visitor and Councillor car park. The rooms are at ground level and easily accessible; there is also a toilet for disabled users.

For a copy of this agenda in large print, please contact the Democratic Services Team on 01395 517546